



PUBLIC NOTICE

Federal Communications Commission
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**DICKEY RURAL TELEPHONE COOPERATIVE, DICKEY RURAL ACCESS, INC.,
POLAR TELECOMMUNICATIONS, INC., RED RIVER RURAL TELEPHONE
ASSOCIATION, RED RIVER TELECOM, INC., AND CITIZENS
TELECOMMUNICATIONS COMPANY OF NORTH DAKOTA SEEK A WAIVER OF
THE DEFINITION OF "STUDY AREA" IN PART 36 AND SECTIONS 61.41(C) AND
(D), 69.3(E)(11) AND 69.605(C) OF THE COMMISSION'S RULES**

PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Release Date: May 6, 2002

Comment Date: June 5, 2002

Reply Comment Date: June 20, 2002

On April 2, 2002, Dickey Rural Telephone Cooperative and Dickey Rural Access, Inc. (Dickey), Polar Telecommunications, Inc., Red River Telephone Association, Red River Telecom, Inc. (collectively, Acquiring Companies) and Citizens Telecommunications Company of North Dakota (Citizens) filed a joint petition for a waiver of the definition of "study area" as set forth in Part 36 of the Commission's rules.¹ That definition constitutes a rule freezing all study area boundaries. The requested waivers would allow Citizens to alter the boundaries of its existing North Dakota and Minnesota study areas to remove from its study area five exchanges (approximately 4,155 access lines) that it is transferring to the Acquiring Companies.² The waiver would also allow the Acquiring Companies to add the purchased exchanges to their respective study areas.

¹ See *Citizens Telecommunications Company of North Dakota, Red River Telephone Association and Red River Telecom, Inc., Polar Telecommunications, Inc. and, Dickey Rural Telephone Cooperative and Dickey Rural Access, Inc. Joint Petition for Waiver of the Definition of "Study Area" Contained in Part 36, Appendix—Glossary of the Commission's Rules, Petition for Waiver of Section 61.41(c) and (d), Section 69.3(e)(11) and 69.605(c) of the Commission's Rules*, filed April 5, 2002 (Joint Petition).

² Two of the affected exchanges, Pembina and Fairmount, include some lines in Minnesota. See Joint Petition at 2.

Dickey also seeks a waiver of sections 61.41(c) and (d) of the Commission's price cap rules to exempt Dickey from the price cap "all-or-nothing" rule, which requires non-price cap companies, and the telephone companies with which they are affiliated, to become subject to price cap regulation after acquiring a price cap company or any part thereof.³ The requested waiver would permit Dickey to continue operating under rate-of-return regulation once Dickey acquires the price cap assets of Citizens. Also, the Acquiring Companies seek a waiver of section 69.3(e)(11) of the Commission's rules so that the Acquiring Companies can include the exchanges they acquire from Citizens in the National Exchange Carrier Association carrier common line tariff upon the closing date of the acquisition.⁴ Finally, the Acquiring Companies, with the exception of Dickey, seek a waiver of section 69.05(c) so that they may continue to operate as average schedule companies after the acquisition.⁵ The Wireline Competition Bureau seeks comment on the Joint Petition.

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **June 5, 2002**, and reply comments on or before **June 20, 2002**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address> ." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should

³ 47 C.F.R. § 61.41(c)-(d).

⁴ 47 C.F.R. § 69.3(e)(11).

⁵ 47 C.F.R. § 69.605(c).

be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Parties also must send three paper copies of their filing to Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 Twelfth Street S.W., Room 5-B540, Washington, D.C. 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, Qualex International, Portals II, 445 Twelve Street, S.W., Room CY-B402, Washington, D.C. 20054.

Pursuant to section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which *ex parte* communications are permitted subject to disclosure.

For further information, contact Cara Voth, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400, TTY (202) 418-0484.